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SHARED SYSTEMS TECHNOLOGY, INC.  
(PULLMAN)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA for  
the use and benefit of SHARED  
SYSTEMS TECHNOLOGY, INC.  
(PULLMAN), a corporation,

Plaintiff,

v.

AMEC ENVIRONMENT &  
INFRASTRUCTURE, INC., a  
corporation; and ZURICH AMERICAN  
INSURANCE COMPANY, a  
corporation,

Defendants.

Case No. 3:14-CV-02871-RS

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE AND  
EXTENDING TIME TO RESPOND TO  
COMPLAINT**

Complaint Filed: June 20, 2014  
Current CMC Date: October 2, 2014

Plaintiff, Shared Systems Technology, Inc. (Pullman) ("SST"), and defendant

AMEC Environment & Infrastructure, Inc. ("AMEC") (collectively, the "Parties"), by and through their undersigned counsel, hereby stipulate to (1) a 60-day continuance of the Case Management Conference ("CMC") (and all dates associated therewith), currently set for October 2, 2014, and (2) an extension of Defendants' time to respond to the Complaint from September 29, 2014, to and including November 21, 2014.<sup>1</sup> The Parties' stipulation is based on the following facts:

1. SST filed a Complaint to Recover on Payment Bond (Miller Act) ("Complaint") on June 20, 2014. The case was initially assigned to Magistrate Elizabeth LaPorte.

2. The action arises out of a federal construction project to stabilize and repair exterior walls of the cellhouse on Alcatraz Island. SST was a sub-subcontractor on the project; AMEC was the general contractor; and Zurich issued the Miller Act payment bond.

3. SST commenced this action in June to stop the running of the statute of limitations. However, at the time the action was commenced, the parties planned to participate in a multi-party mediation session before mediator, Randall Wulff of Wulff Quinby Sochynsky. After the mediation session before Mr. Wulff, the Parties negotiated basic terms for a settlement that, if finalized, will result in a dismissal of this action.

4. The settlement negotiated by the Parties has taken and will continue to take additional time to finalize and document because it involves a complex liquidation, sharing and pass-through agreement. The settlement is complex because it involves the Contract Disputes Act, the application of relevant FAR provisions, ongoing litigation between AMEC and the subcontractor with which SST contracted, and this pending case under the Miller Act. The Parties hope to be able to agree on all of the detailed terms

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<sup>1</sup> Defendant, Zurich American Insurance Company ("Zurich"), has been served with the Complaint but has not yet entered an appearance given the ongoing settlement negotiations, in an effort to minimize attorneys' fees. SST has agreed to extend both Defendants' time to respond to the Complaint. It is defendant AMEC's understanding that Zurich will file the appropriate notice of appearance and Answer should the parties fail to finalize the terms of the settlement agreement reached.

1 and finalize a settlement agreement within the next 30 days.

2 5. All defendants have been served with the Complaint, and there have been  
3 three prior stipulations extending their time to respond. Defendants' response is now  
4 due on September 29, 2014.

5 6. On July 29, 2014, SST filed a declination of assignment to Magistrate  
6 LaPorte, and the case was thereafter assigned to this Court.

7 7. On July 31, 2014, the Clerk issued a notice setting the initial CMC in this  
8 Court for October 2, 2014.

9 8. The Parties wish to avoid the time and expense of responding to the  
10 Complaint, making initial Rule 26 disclosures, engaging in a Rule 26(f) conference, and  
11 preparing for and attending the CMC, while they finalize and document the settlement  
12 they have negotiated. This settlement, when finalized and documented, will result in a  
13 dismissal of this case.

14 9. The Parties, therefore, respectfully request that: (1) Defendants' time to  
15 respond to the Complaint be extended to and including November 21, 2014; (2) the CMC  
16 be continued for 60 days, until early December, 2014 on a date convenient to the Court;  
17 and (3) the dates for filing the Rule 26(f) report, completing initial disclosures, and filing  
18 the Joint CMC statement be continued until one week before the new CMC date.

1 Dated: September 8, 2014

Respectfully submitted,

2 SCHIFF HARDIN LLP

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1 Dated: September 8, 2014

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14 Attorneys for Defendants  
AMEC ENVIRONMENT &  
INFRASTRUCTURE, INC.

## 18 ORDER

19 Pursuant to the Parties' stipulation and for good cause shown, IT IS HEREBY  
20 ORDERED that:

21 1. Defendants' time to respond to the Complaint shall be extended to and  
22 including November 21, 2014;

23 2. The Case Management Conference shall be continued from October 2,  
24 2014, until 12/11/14 at 10:00 a.m.; and

25 3. All other deadlines associated with the Case Management Conference,  
26 including the filing of the Rule 26(f) report, completing initial disclosures, and filing the  
27 Joint Case Management Conference statement, shall be continued until one week before  
28 the new CMC date. The Parties shall comply with this Court's Standing Order re: Initial

Case Management and the Standing Order for All Judges of the Northern District of  
California re: Contents of Joint Case Management Statements.

Dated: September 8, 2014



Richard Seeborg  
United States District Judge

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